

## **EAST – WEST BUS SERVICE**

### **QUESTIONS & ANSWERS**

**Q1: What happens if the estimated passenger and associated fare box do not meet the anticipated levels? What happens if the passengers and fare box exceeds the anticipated levels? The same question applies to year 2 and 3 as well.**

A1: If the estimated ridership and corresponding farebox revenue do not meet the anticipated levels, the project funds (federal subsidy) will be requested at a more aggressive rate than anticipated, but the contractor will still receive the agreed upon reimbursement rate on the net operating deficit of the service. (Total operating cost – fare revenue = net operating deficit). Requesting project funds in larger increments than was anticipated during the negotiation and contracting phase would mean that as the contract nears completion (year 3) there might not be sufficient funds to reimburse the full net operating deficit of the service. If fares were higher than anticipated levels, the requested reimbursement (for the net operating deficit) would be lower.

Additionally, if ridership were significantly lower than anticipated, the State would meet with the contractor to explore the reasons as to why the ridership is lower than projected, and try to strategize in order to find a solution that meets the project goals.

**Q2: My business model allows for the most efficient vehicle to service a scheduled stop. Vehicles are interchangeable. Will every vehicle be required to be handicap accessible?**

A2: Yes, every project vehicle must meet ADA-accessibility guidelines. More information on ADA guidelines can be found as follows:

49 CFR Part 37 Transportation Services for Individuals with Disabilities  
(ADA): [http://www.fta.dot.gov/civilrights/ada/civil\\_rights\\_3906.html](http://www.fta.dot.gov/civilrights/ada/civil_rights_3906.html)

49 CFR Part 38 Americans With Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles: [http://www.fta.dot.gov/civilrights/ada/civil\\_rights\\_3905.html](http://www.fta.dot.gov/civilrights/ada/civil_rights_3905.html)

**Q3: Can I require advanced notice so that I can have one or two vehicles to provide the service for the handicapped when needed?**

A3: No, fixed route transportation such as this cannot require that persons with disabilities call in advance to schedule a ride. Persons with disabilities must be afforded the same “walk-up” transportation opportunity as ambulatory persons. If an ambulatory person can simply catch the bus from one of the stops, than a person with a disability is entitled to the same privilege.

**Q4: If I leave the cost of the vehicles out of the expenses and just seek assistance for the fuel and maintenance does it change anything with regards to the ADA requirements since technically the vehicles would not be subsidized?**

A4: No, leaving vehicle costs out of the budget would not change the requirement that project vehicles meet ADA guidelines. Per Federal guidance, the provision of federal funds for the operation of service necessitates that all project equipment (i.e. vehicles) meet ADA guidelines.

**Q5: Our vehicles only hold 10 passengers. We are not required to have a CDL and drug and alcohol testing. Our drivers are only required to have yearly physicals. Will the drivers be required to have a CDL or submit to the same regulation as those required of coach bus operators?**

A5: CDL requirements are based on vehicle size (number of persons the vehicle seats) and gross vehicle weight. Guidelines for CDL requirements are published and enforced by Federal Motor Carrier Safety Administration (FMCSA). FMCSA’s guidance on CDL requirements can be found on their website: <http://www.fmcsa.dot.gov/registration-licensing/cdl/cdl.htm>

As for Drug & Alcohol testing; this project and its safety sensitive employees (including, but not limited to drivers) will be subject to FTA’s Drug & Alcohol program requirements. This would be a requirement of the

project because, assuming CMAQ funds are approved, the funds will be administered under the FTA's Section 5307 Urbanized Area Formula Program

- Q6: **Based on our vehicles, we are only required by law to carry 3 million dollars in insurance. Will we be required to purchase 5 million?**
- A6: Under contract with the State any proposed contractor will be required to carry general liability insurance on an occurrence basis to afford protection in an amount equal to \$5,000,000 combined single limit for personal and bodily injury.
- Q7: **If funds are awarded, can they be rescinded? If I am building the company's business model based on anticipated business and I am investing in the route in anticipation of the East-West CMAQ funds and the service is rescinded then I stand to lose my investment.**
- A7: The intention of the State would be to negotiate a three-year contract with the selected contractor, contingent on approval of the Governor and Council. Additionally, the contract will contain termination clauses (standard in NHDOT contracts) in the event of noncompliance or default by the contractor and to protect the federal and state interest in the project. A sample contract is available on request.